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PATENT
Attorney Docket No.: DIVER1370-7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short, et al. (amended)
Serial No.: 09/866,379
Filed: May 24, 2001
Title: RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Art Unit: 1652
Examiner Unassigned

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed June 15, 2001,
enclosed are:

1. A copy of the Notice to File Missing Parts of Application (2 pages);
2. An executed Declaration For Patent Application (5 pages);
3. An executed Power of Attorney by Assignee (2 pages);
4. Petition for Extension of Time (1 page);
5. Preliminary Amendment (5 pages);
6. Statement Under 37 C.F.R. §§ 1.821(f) and (g) (1 page);
7. Verified Statement Under 37 C.F.R. § 1.821(f) (1 page);
8. Sequence Listing (14 pages);
9. Disk containing sequence listing;
10. Check in the amount of \$2,372.00;

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are
being deposited with the United States Postal Service as first class
mail on December 17, 2001, in an envelope addressed to: Box
Missing Parts, Commissioner for Patents, Washington, D.C. 20231

Karen LePari
Karen LePari

In re Application of:
Short, et al.
Application No.: 09/866,379
Filed: May 24, 2001
Page 2



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11. Change of Attorney Address (1 page); and
12. Return Receipt Postcard.

Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee has been calculated as follows.

	Number Filed		Number Extra		Rate			Fee	
					Large Entity	Small Entity		Small Entity	Large Entity
Total Claims	93-20	=	73	X	\$18	\$ 9	=	\$657.00	\$ 0.00
Independent Claims	13-3	=	10	X	\$84	\$42	=	\$420.00	\$ 0.00
Multiple Dependent Claims Presented: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					\$280	\$140		\$140.00	
					BASIC FEE			\$370.00	\$ 0.00
					TOTAL FEE			\$1,587.00	\$ 0.00

XX Enclosed is a check in the total amount of \$2,372.00 which includes \$1,587.00 as filing fee; \$720.00 as extension of time fee and \$65.00 as payment for the surcharge fee for missing parts of the application. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: December 17, 2001

Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, California 92121-2189
USPTO Customer Number 28213

JAN 28 2002

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ORIGINAL ATTORNEY

PATENT

Attorney Docket No.: DIVER1370-7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Art Unit: 1652
Examiner: Unassigned

Commissioner for Patents
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. §§ 1.821(f) and (g)

Sir:

I hereby state, as required by 37 C.F.R. § 1.821(f), that the information recorded in computer readable form is identical to the written sequence listing.

I hereby state that the submission, filed in accordance with 37 C.F.R. § 1.821 (g), herein does not include new matter.

Respectfully submitted,

Date: December 17, 2001



Lisa A. Haile, Ph.D.

Reg. No. 38,347

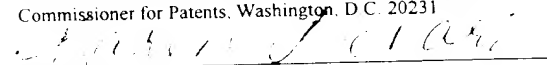
Telephone: (858) 677-1456

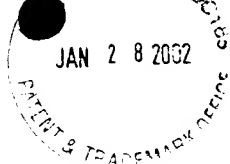
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
Customer Number: 28213

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on December 17, 2001, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231


Karen LePari



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short *et al.* Art Unit: 1652
Serial No.: 09/866,379 Examiner: Unassigned
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Commissioner for Patents
Washington, D.C. 20231

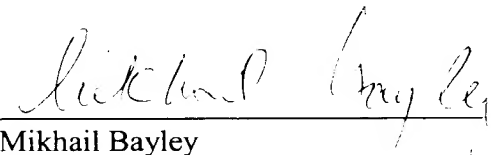
VERIFIED STATEMENT UNDER 37 C.F.R. § 1.821(f)

Sir:

I, Mikhail Bayley, declare that I personally prepared the paper and the computer-readable copies of the Sequence Listing filed herewith in the above-entitled case and that the content of both is the same.

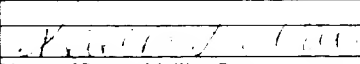
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/10/2001


Mikhail Bayley

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

Customer Number: 28213

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>12/10/2001</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
	
Name of Person Mailing Paper	
Signature	Date <u>12-12-01</u>



JUN 25 2001

Page 1 of 2

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/866,379	05/24/2001	Jay M. Short	DIVER1370-7

CONFIRMATION NO. 4596

FORMALITIES LETTER



00000000006188460

Gray Cary Ware & Freidenrich LLP
Suite 1600
4365 Executive Drive
San Diego, CA 92121-2189

Date Mailed: 06/15/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1237.
 - \$702 for 78 total claims over 20.
 - \$400 for 10 independent claims over 3.
 - \$135 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1657.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821

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(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE